

REMARKS/ARGUMENTS

Claims 1-9 were examined and rejected. The claims have been amended as noted above. Re-examination and reconsideration of the claims, as amended, are respectfully requested.

As an initial matter, Applicants submit a Terminal Disclaimer over commonly-owned U.S. Patent No. 6,656,141. This Disclaimer overcomes the rejection for obviousness-type double patenting.

Applicants thank Examiner Thanh for the helpful and courteous interview on Wednesday, October 13, 2004. At the interview, Applicants pointed out that Myers describes a contoured bandage intended for use on the arm or leg. The only "outer sleeves" described are bands 4 that are intended to locally compress the limb, not provide uniform pressure over the length of the bandage, as is the purpose of the present invention. Applicants have amended the claims to clarify that the second sleeve is configured to slide over the entire first sleeve, as discussed in more detail.

At the interview, the Examiner indicated that he was going to perform a further search and specifically asked whether the present claims would be taught by U.S. 5,916,183. Applicant wishes to point out that the '183 patent is the grandparent of the present application. The '183 case issued on June 29, 1999. The present case is a continuation of application 09/152,782, filed on September 14, 1998, before the '183 case issued. As Tony Reid is the sole inventor on all three of these cases, the '183 patent is not prior art to the present case.

Claims 1-9 were rejected as being anticipated by or obvious over U.S. Patent No. 814,795 to Myers. Such rejections are traversed in part and overcome in part.

The present invention is a system useful for treating lymphedema and related conditions of swelling, such as venous insufficiency. As such, it is intended to apply a generally uniform pressure from the remote end of a limb, such as the wrist of the arm, to a region close to the patient's trunk, e.g., near the shoulder of the arm. This use is illustrated in Fig. 1 of the present application.

As set forth in independent claims 1 and 5, the only independent claims herein, the system comprises a first sleeve (designated the TPS in claim 5) and a second sleeve

configured to be slid over the first sleeve. In order to achieve the generally uniform pressure distribution preferred to treat lymphedema and other swelling conditions, it is important that the second sleeve be positioned over "substantially the entire length" of the first sleeve, as now set forth in claims 1 and 5. In this way, the combination of sleeves will apply pressure along the length of the limb in order to promote the transport of lymph or other fluids back to central circulation. For treating the arm, it is particularly preferred to position the inner sleeve (TPS) over the entire length of the arm from the wrist to the shoulder, as illustrated in Fig. 1 and now recited in claim 5.

The elastic bandage of Myers is intended for a far different purpose and has a quite distinguishable structure. The Myers bandage comprises a body 1 which is shaped to conform to the shape of the limb to provide an "outer surface smooth and free from irregularities." Lines 79 and 80. The purpose of the bandage is to "provide localized compression" (Lines 63 and 64) or provide "special localized treatment" (Lines 57 and 58) of certain body parts. This is done by providing "outer encircling bands [for] which may either be integral or separately applied in order to give greater compression than the bandage alone at **any desired point**. See lines 42-46 of the specification. Indeed, the function of the Myers bandage is likened to a "tourniquet" (line 64), a purpose antithetical to that of the present invention.

With this understanding of Myers in mind, independent claims 1 and 5 have been amended to more clearly distinguish Myers. In particular, claim 1 has been amended to set forth that the second sleeve is configured to slide over "substantially the entire length of the first sleeve." Such structure is contraindicated in Myers where the bands 4 are intended for localized compression, not compression over the entire bandage 1. Claim 5 has been similarly amended. New dependent claim 10 has been added to be directed at a preferred embodiment where the first sleeve is configured to cover an arm from the wrist to near the shoulder." The bandage of Myers appears to be intended to cover primarily the elbow.

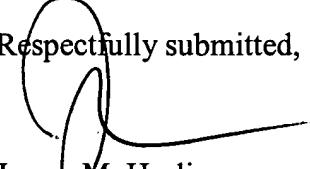
In view of the above amendments and remarks, Applicants believe all remaining claims are in condition for allowance and request that the application be passed to issue at an early date.

Appl. No. 10/725,837
Amdt. dated October 25, 2004
Reply to Office Action of June 29, 2004

PATENT

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at (650) 326-2400.

Respectfully submitted,


James M. Heslin
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300

Attachments: *Terminal Disclaimer for '141*

JMH:jis/jke
60313494 v1